

**PLAINTIFF'S MOTION
EXHIBIT 28**

1 SHANTEL JAMES

2 guess and also, I was not familiar with
3 Brooklyn. So I didn't know if he wanted me
4 to be escorted because I know nothing about
5 Brooklyn and of course, he's going to drop
6 me to the hospital. I didn't know if I was
7 going to be relieved at some point in the
8 night and he would have to drive me back.

9 Q. Did Lieutenant Anderson tell you
10 anything about the situation?

11 MS. PUBLICKER METTHAM:

12 Objection. You could answer.

13 A. No, he did not.

14 Q. Did Lieutenant Anderson tell you
15 anything about who was already at the
16 hospital?

17 A. I don't recall.

18 Q. When you got to the hospital you
19 saw Lieutenant Bouchard, right?

20 A. I did.

21 Q. When you saw Lieutenant
22 Bouchard, were you surprised to see him
23 there?

24 MS. PUBLICKER METTHAM:

25 Objection. You could answer.

1 SHANTEL JAMES

2 A. No.

3 Q. Did it strike you as unusual
4 that Lieutenant Anderson was giving you this
5 assignment?

6 MS. PUBLICKER METTHAM:

7 Objection. You could answer.

8 A. Yes, it did.

9 Q. Why?

10 A. Usually supervisors don't sit on
11 the people in the hospital, but then he is a
12 member of the service. So I assumed I was a
13 supervisor and they only wanted supervisors
14 to sit on Mr. Schoolcraft.

15 Q. Who conducted the roll call for
16 the police officers that you were scheduled
17 to be supervising that evening?

18 MS. PUBLICKER METTHAM:

19 Objection. You could answer.

20 A. I have no idea.

21 Q. Somebody must have.

22 A. Somebody must have, yes.

23 Q. Sitting here today, do you know
24 that Inspector Mauriello, Deputy Chief
25 Marino and others went to the residence of

1 SHANTEL JAMES

2 Adrian Schoolcraft -- went to Adrian
3 Schoolcraft's residence earlier that evening
4 and went into his apartment?

5 MS. PUBLICKER METTHAM:

6 Objection. You could answer.

7 A. Sitting here now, today, yes, I
8 know that.

9 Q. When did you first become aware
10 that Marino and others went into
11 Schoolcraft's house that night?

12 MS. PUBLICKER METTHAM:

13 Objection. You could answer.

14 A. Days later, days after the
15 hospital incident.

16 Q. How did you learn that?

17 A. I heard about it on the news.

18 Q. When you say days later. Do you
19 mean days, weeks or months later, much later
20 or do --

21 A. A week.

22 Q. It was about a week later?

23 A. Yes.

24 Q. What news report did you hear?

25 A. I don't recall.

1 SHANTEL JAMES

2 Q. Do you recall anything else
3 about that report?

4 A. No.

5 Q. Did you ever have any
6 conversation with anybody about that report
7 or that news report?

8 MS. PUBLICKER METTHAM:

9 Objection. You could answer.

10 A. Other than my mom, no.

11 Q. What did you tell your mom?

12 A. Well, she actually told me that
13 I was being sued and she actually told me
14 about these people going into this man's
15 house and she asked me about it. She knew
16 more about it than I did, because I didn't
17 know anything about it.

18 Q. I think I understand what you're
19 saying to me, but I just want to make sure.
20 From the time you went to the hospital on
21 October 31st or November 1st, 2009, up until
22 the time you had this conversation with your
23 mom, you didn't know that there were a whole
24 bunch of members of the service who actually
25 went to Schoolcraft's house, right?

1 SHANTEL JAMES

2 A. That's correct.

3 Q. After you got this assignment
4 from Lieutenant Anderson, what did you do?

5 A. I got dressed in my uniform, I
6 waited for a vehicle to become available,
7 myself and my driver drove to the hospital.

8 Q. Were both you and Sadowsky in
9 uniform when you got to the hospital?

10 A. Yes.

11 Q. And you both were armed?

12 A. Yes.

13 Q. Do you know whose cuffs were
14 used to cuff Schoolcraft?

15 A. No.

16 Q. I'm assuming that both, you and
17 Sadowsky, were armed?

18 MS. PUBLICKER METTHAM:

19 Objection. Asked and answered.

20 A. Yes.

21 Q. Sorry about that.

22 A. No problem.

23 Q. The second entry in your memo
24 book, the 0500 entry?

25 A. Yes.

1 SHANTEL JAMES

2 Q. Who is the sergeant that you are
3 mentioning here?

4 A. His name is Sergeant Manwarren.

5 Q. How do you spell that?

6 A. I'm sorry, I don't even know if
7 I am pronouncing it right. So I don't know
8 how to spell his name.

9 Q. Who was he?

10 A. He was the desk sergeant on the
11 date of incident.

12 Q. And does this entry indicate
13 that you informed the desk sergeant and
14 Lieutenant Anderson about what occurred
15 here?

16 A. Yes.

17 Q. How did you advise them of these
18 facts?

19 A. I called them on the cell phone.
20 I called the 81st Precinct desk phone.

21 Q. You reported information that
22 set forth in this 0500 entry?

23 A. Yes.

24 Q. What did you say in response?

25 A. I don't recall. I don't recall.

1 SHANTEL JAMES

2 Q. Did you do anything as a result
3 of making this report to them?

4 MS. PUBLICKER METTHAM:

5 Objection. You could answer.

6 A. I don't know if I took the
7 initiative to call the emergency service
8 unit or whether or not I was instructed to
9 call the emergency service unit.

10 Q. Do you think there's a
11 connection between this report that you made
12 at 0500 and the appearance of ESU at the
13 scene 22 minutes later?

14 MS. PUBLICKER METTHAM:

15 Objection. You could answer.

16 A. Yes.

17 Q. Am I correct that at ten minutes
18 after midnight you arrived at Jamaica
19 Hospital with Sadowsky?

20 A. Yes, that's correct.

21 Q. And what was the situation when
22 you arrived?

23 MS. PUBLICKER METTHAM:

24 Objection. You could answer.

25 A. Upon my arrival I was greeted by

1 SHANTEL JAMES

2 Lieutenant Bouchard, who told me not to
3 speak to Schoolcraft and he left. I
4 observed Schoolcraft sitting on his bed and
5 I observed that one of his hands was cuffed
6 to the gurney. I sat down at the nurse's
7 station with Officer Sadowsky, which was
8 approximately two to three feet away from
9 Schoolcraft's gurney and that was it. We
10 just sat down there were. No words
11 exchanged, no acknowledgements and that was
12 it up until 5:00 a.m.

13 Q. When you say that was it, that
14 was meaning nothing occurred up until?

15 A. Right. There were no incidents
16 that occurred up until 5:00 a.m.

17 Q. How was Schoolcraft dressed?

18 A. I don't recall.

19 Q. Was he in civilian clothes or
20 hospital garb?

21 MS. PUBLICKER METTHAM:

22 Objection. You could answer.

23 A. I don't recall.

24 Q. I am going to show you two
25 photographs that were taken of the emergency

1 SHANTEL JAMES

2 room at Jamaica Hospital and I just -- they
3 are separate photographs. One is two phones
4 and another one is a single phone. I just
5 want you to tell me, if you can, tell me
6 whether or not you could recognize these
7 photographs and --

8 MS. PUBLICKER METTHAM: Are you
9 marking those?

10 MR. SMITH: Yes.

11 Q. And if you could tell where
12 Schoolcraft's gurney was and where
13 Schoolcraft was in relationship to either
14 one of these photographs?

15 MR. OSTERMAN: Were those marked
16 previously?

17 MR. SMITH: I don't think they
18 were, but I have copies. I am going to
19 mark as 118 the photograph with two
20 phones and 119 as the photograph with
21 one phone and just take a look at
22 those.

23 (Plaintiff's Exhibit 118,
24 photocopy of a photograph, was marked
25 for identification as of this date.)

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SHANTEL JAMES

(Plaintiff's Exhibit 119,
photocopy of a photograph, was marked
for identification as of this date.)

A. Okay. This doesn't look
familiar to me --

Q. Hold on. Let everybody else
catch up.

A. Okay. I'm sorry.

Q. Okay. So have you had a chance
to look at 118 and 119?

A. I have.

Q. Can you tell me where
Schoolcraft was in relationship to either
one of these telephones?

MS. PUBLICKER METTHAM:

Objection. You can answer.

A. I can't because this layout
doesn't look familiar to me at all.

Q. Can you tell me what the layout
was when you got to the hospital ten minutes
after midnight on November 1, 2009?

MS. PUBLICKER METTHAM:

Objection. You could answer.

A. Sure. I came into the emergency

1 SHANTEL JAMES

2 room, double doors, Schoolcraft was maybe
3 five beds from the double doors. I -- you
4 speaking of the phone incident, I know that
5 he definitely did not use these two phones
6 because I remember the phone was hanging on
7 the wall. So he did not use these phones
8 while I was there.

9 Q. I don't mean to interrupt you,
10 but I just want to make the record clear
11 that you're indicating the phones which are
12 depicted in 118?

13 A. Yes.

14 Q. Go ahead, please.

15 A. If I remember correctly, the
16 nurse's station was positioned in front of
17 the gurney and Schoolcraft walked around the
18 nurse's station and he used the phone to the
19 right of the station, which would have been
20 positioned here. Not attached to this
21 desktop here.

22 Q. So when you walked into the
23 emergency room through the double doors, was
24 the telephone that Schoolcraft later used
25 that evening to your left?

1 SHANTEL JAMES

2 A. It was.

3 MR. SMITH: And I am going mark
4 this as 120.

5 (Plaintiff's Exhibit 120,
6 photocopy of a photograph, was marked
7 for identification as of this date.)

8 Q. Now this is another photograph
9 at the Jamaica Hospital, but I am not
10 showing you this about the phone at all,
11 because this actually was a photograph taken
12 at a different location than in the
13 emergency room, but does this gurney look
14 like the gurney that Schoolcraft was in when
15 you got there?

16 MS. PUBLICKER METTHAM:
17 Objection. You could answer.

18 A. Yes.

19 Q. Was the gurney that Schoolcraft
20 was in was it elevated like the ones
21 depicted in 120 with the back up or was
22 Schoolcraft in the gurney with the back
23 down?

24 MS. PUBLICKER METTHAM:
25 Objection. You can answer.

1 SHANTEL JAMES

2 MR. OSTERMAN: Objection.

3 A. I don't remember.

4 MS. PUBLICKER METTHAM: Would it
5 be a good time for a break?

6 MR. SMITH: Yeah, that's fine.
7 It's 11:25, going off the record.

8 (Whereupon, a recess was taken.)

9 MR. SMITH: Going back on the
10 record, it's 11:40.

11 Q. Sergeant, when you got to the
12 hospital and you saw Schoolcraft, was that
13 the first time you had ever seen Schoolcraft
14 before?

15 A. Yes.

16 Q. Did you know, when you got
17 there, that he was a police officer at the
18 81st Precinct?

19 A. Yes.

20 Q. How did you know that?

21 A. I recall seeing his name on the
22 roll call.

23 Q. Had you heard anything at all
24 about Schoolcraft at that time?

25 MS. PUBLICKER METTHAM:

1 SHANTEL JAMES

2 Objection. You could answer.

3 A. Not to my knowledge.

4 MR. SMITH: Let me rephrase that
5 question.

6 Q. At the time that you got to the
7 hospital, when you first saw Schoolcraft,
8 had you heard anything from anybody at any
9 time previously about Schoolcraft?

10 MS. PUBLICKER METTHAM:

11 Objection. You could answer.

12 A. Not that I recall.

13 Q. Did you have any idea why you
14 were supposed to be guarding Schoolcraft for
15 his safety?

16 MS. PUBLICKER METTHAM:

17 Objection. Asked and answered. You
18 could answer again.

19 A. No, I did not.

20 Q. Did you have any understanding
21 as to what his status was when you got to
22 the hospital?

23 MR. OSTERMAN: Objection.

24 MS. PUBLICKER METTHAM:

25 Objection. You could answer.

1 SHANTEL JAMES

2 A. No.

3 Q. Did you know whether or not he
4 was a perp or EDP or something else?

5 MS. PUBLICKER METTHAM:

6 Objection. You can answer.

7 A. I did not know.

8 Q. Did you have any understanding
9 about what risk he was subject to which
10 needed protection?

11 MS. PUBLICKER METTHAM:

12 Objection. You could answer.

13 A. I did not.

14 Q. When you got to the hospital,
15 did you understand that you were to be
16 guarding Schoolcraft for his safety, because
17 he was a risk to himself or because somebody
18 else was a risk to him?

19 MS. PUBLICKER METTHAM:

20 Objection. You could answer.

21 MR. OSTERMAN: Objection.

22 MR. LEE: Object to the form.

23 MR. KOSTER: Objection.

24 A. I did not know.

25 Q. Am I correct that your

1 SHANTEL JAMES

2 conversation with Bouchard, when you got
3 there, was a very quick conversation?

4 A. Yes, it was very brief.

5 Q. And the sum and substance of
6 that conversation was don't talk to him and
7 I'm leaving?

8 A. Yes.

9 Q. Did he provide you with any
10 other information about the situation?

11 MS. PUBLICKER METTHAM:

12 Objection. You could answer.

13 A. No, he did not.

14 Q. Did anybody else provide you
15 with any other information about the
16 situation?

17 MS. PUBLICKER METTHAM:

18 Objection. You could answer.

19 MR. OSTERMAN: Objection.

20 A. No, they did not.

21 MR. SMITH: I will rephrase
22 that.

23 Q. Did anybody from the police
24 department provide you with any information?

25 MS. PUBLICKER METTHAM:

1 SHANTEL JAMES

2 Objection. You could answer.

3 A. No.

4 Q. Did anybody from the hospital
5 provide you with any information?

6 MS. PUBLICKER METTHAM:

7 Objection. You could answer.

8 A. No.

9 Q. Did you receive any instructions
10 from anybody at the hospital?

11 MR. OSTERMAN: Objection.

12 A. No.

13 Q. You give any instructions to
14 anybody at the hospital?

15 MS. PUBLICKER METTHAM:

16 Objection. You could answer.

17 A. No, I did not.

18 Q. So when you got to the hospital
19 and Schoolcraft was in the gurney, you and
20 Sadowsky sat down in chairs and you were
21 watching him; is that correct?

22 MS. PUBLICKER METTHAM:

23 Objection. You could answer.

24 A. Yes.

25 Q. And is it fair to say that

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SHANTEL JAMES

basically nothing happened for the next four
and a half, five hours?

MS. PUBLICKER METTHAM:

Objection. You could answer.

MR. OSTERMAN: Objection.

A. Yes.

Q. You don't recall anything
happening, right?

MR. OSTERMAN: Objection.

MS. PUBLICKER METTHAM:

Objection. You can answer.

A. I do not.

Q. Do you recall Schoolcraft saying
anything during that period of time?

MS. PUBLICKER METTHAM:

Objection. You can answer.

A. No.

Q. Do you recall him doing anything
during that approximately five-hour period
of time?

A. No.

Q. Did you see him speaking to
anybody?

A. I don't recall.

1 SHANTEL JAMES

2 Q. Did you see him using a
3 telephone?

4 A. I don't recall.

5 Q. Is it fair to say he just wasn't
6 a problem at all up until 5:00 in the
7 morning, right?

8 MR. OSTERMAN: Objection.

9 MS. PUBLICKER METTHAM:

10 Objection. You can answer.

11 A. Yes, it's fair to say.

12 Q. What was his demeanor like
13 during that five-hour period?

14 MS. PUBLICKER METTHAM:

15 Objection. You could answer.

16 A. He appeared to be very calm.

17 Q. Am I correct that you didn't say
18 anything to him?

19 A. That's correct.

20 Q. And Sadowsky didn't say anything
21 to him?

22 A. Not to my knowledge.

23 Q. Did Schoolcraft try and
24 communicate with either you or Sadowsky?

25 MS. PUBLICKER METTHAM: